

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed November 16, 2004. Upon entry of the amendments in this response, claims 2, 4 - 9, 22 - 25, 27 - 28 and 32 - 37 remain pending. In particular, Applicants have canceled claims 20 and 21 without prejudice, waiver, or disclaimer. Applicants have canceled claims 20 and 21 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Informalities**

The Office Action indicates that claims 20 and 21 are objected to because they are dependent upon canceled claim 29. As set forth above, Applicants have canceled these claims and respectfully assert that the objection has been accommodated.

### **Rejections Under 35 U.S.C. §102**

The Office Action indicates that claims 2, 4 - 9, 20 - 25, 27, 28, and 32 - 37 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Lopaz*. With respect to claims 20 and 21, Applicants have canceled these claims and respectfully assert that the objection as to these claims has been rendered moot. With respect to the remaining claims, Applicants respectfully traverse the rejection.

In this regard, Applicants submit herewith a Declaration under 37 C.F.R. 1.131 indicating that the invention was conceived prior to the critical date of *Lopaz*. The Declaration also shows that Applicants exercised diligence through the constructive reduction to practice of the invention. That is, the Applicants exercised diligence through the filing date of the application. Applicants respectfully assert that such showing renders the use of *Lopaz* inapplicable for rejecting the pending claims and respectfully request that the rejection be removed. Therefore, Applicants respectfully request that the claims be placed in condition for allowance.

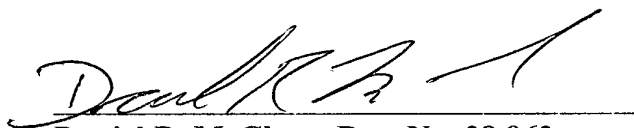
**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on 3/16/05.

Stephanie Kirby  
Signature